IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 6649 of 2003

Between:

The Depot Manager, APSRTC, Torrur depot,

Warangal District.

..... PETITIONER

AND

1. Godumala Somanna @ Somaiah

   S/0 Boyanna, Ex.Driver, E.650604,

   R/o Torrur village and Mandal of Warangal District.

2. The Industrial Tribunal-cum-Labour Court,

   Warangal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the Award in I.D.No.60 of 1999 dated 10.04.002 on the file of the Labour Court, Warangal and quash the same as arbitrary and illegal by way of issue of a writ of certiorari or any other appropriate writ order or direction.

Counsel for the Petitioner: SMT.G.JYOTHI KIRAN

Counsel for the Respondent No.: GP FOR LABOUR

The Court made the following :

ORDER:

The Deputy Manager, APSRTC, Torrur depot filed this writ petition questioning the award dated 10.04.2002 in I.D.No.60 of 1999 on the file of the Industrial Tribunal-cum Labour Court, Warangal. This Court while admitting the writ petition granted stay of operation of the said award passed by the Tribunal on 17.4.2003 in W.P.M.P. No. 8678 of 2003. While dealing with the petition filed to vacate the said stay, at request of the learned counsel for both sides, this writ petition is taken up for final disposal.

First respondent was appointed as a driver in the petitioner-Corporation on 02.11.1996 and his services were regularized on 01.08.1998 as driver Grade-II. While he was discharging his services as such, without conducting any enquiry, he was removed from service on 28.09.1998 on the allegation that the driving licence obtained by him from the RTO, Bilaspur was not a genuine one. Aggrieved by the said order, he preferred I.D.No.60 of 1999 before the Tribunal. The Tribunal considered the questions, as to whether the dis-engagement of the first respondent by order dated 28.09.1998 without holding any domestic enquiry is valid and whether the first respondent was entitled for any relief of the said dis-engagement against the petitioner.

The dis-engagement of the services of the first respondent was made on the ground that the driving licence produced by him was sent for verification to RTO, Bilaspur who in turn informed that the name of the petitioner was not tallied with their office records and on that report it was presumed and assumed that the driving licence produced by him is not a genuine one. It is stated that the Additional Licensing Authority, Ranga Reddy District, twice renewed the said driving licence. But however, the petitioner obtained fresh driving licence from the Additional Licencing Authority, Ranga Reddy District and a duplicate copy of the same was produced before the Tribunal. The driving licence was issued with effect from 06.08.1995 and the same was renewed from time to time up to 30.05.2004. A copy of the said driving licence No.3668 RRD-95 was also produced before this Court.

In view of the said facts, the Tribunal directed the petitioner herein for

verification with regard to the genuineness or otherwise of the said driving licence produced by the first respondent within a period of two months and, if the said driving licence is found to be genuine, the first respondent is entitled for the reinstatement as a fresh driver on daily wage basis. Aggrieved by the same, this petition is filed.

Learned counsel appearing for the first respondent submits that this Court in ***APSRTC, Hyderabad v. Presiding Officer, Additional Industrial Tribunal-cum-Additional Labbour Court, Hyderabad*** held that when the dispute is referred to Industrial tribunal, it set aside the order of termination and directed appointment of the driver as a fresh appointment on the ground that the driver has subsequently secured a valid driving licence and the department cannot have any grievance to consider the cases of such drivers to verify the genuineness of the driving licence and to consider the award of the Tribunal.

I have perused the award of the Tribunal.

In view of the fact that the first respondent filed a driving licence No.3668-RRD95 issued by the Additional Licencing Authority, Rangareddy District, the Tribunal directed the petitioner herein to verify the genuineness or otherwise of the said driving licence.

The only question that arises for consideration is, whether the award of the Tribunal is illegal and unsustainable and liable to be set aside.

The services of the first respondent were terminated on 28.09.1998. The Tribunal after considering the relevancy of the driving licence said to have been obtained from the RTO Bilaspur, and though there is no clear finding of the fact that the said driving licence was not genuine, and since the first respondent obtained fresh driving licence from Additional Licencing Authority, Ranga Reddy, in 1995 and was being renewed from time to time, even before his services were terminated, and since the first respondent worked more than two and half years, in my considered opinion, the Tribunal has rightly directed the petitioner to verify the genuineness or otherwise of the licence produced by the first respondent obtained from the Additional Licencing Authority, Ranga Reddy District.

Therefore, I do not see any illegality or irregularity in the award passed by the Tribunal that warrants interference of this Court.

The writ petition is accordingly dismissed. No order as to costs.

However, in view of the dismissal of this writ petition, the interim order made in WPMP.No. 8678 of 2003 stands vacated.

18-08-2004

klp

To

1. The Industrial Tribunal-cum-Labour Court,
   Warangal, Warangal District.

2. 2CCs to G.P. for Labour, High Court buildings,
Hyderabad.(OUT)

3. 2CD copies